

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO 426 OF 2020
PRAKASH PUNJABI AND ORS.
VS.
THE STATE OF WEST BENGAL AND ORS.

BEFORE :
THE HON'BLE JUSTICE
SABYASACHI BHATTACHARYYA
DATED : DECEMBER 21, 2020.
(VIA VIRTUAL MODE)

Mr. Gaurav Purkayastha, Adv.
Ms. Suchismita Chakraborty, Adv.
...for petitioners
Mr. U.S. Menon, Adv.
Mr. Abhirup Chakraborty, Adv.
...for respondents 4 & 5
Mr. Chayan Gupta, Adv.
Mr. D.R. Basu, Adv.
Mr. Ovik Sengupta, Adv.
...for respondent 6

The Court :- The grievance of the petitioners is that the electric connection to the petitioners' shop room at A.C. Market has been cut off. The petitioners approached the criminal court and obtained several orders under Section 144 of the Criminal Procedure Code. The petitioners have also filed suits before the civil court for restoration of electric connection. However, electric connection has not been restored as yet.

Learned Counsel appearing for the respondent authorities as well as the private respondents, in unison, submit that there has been

suppression of material facts inasmuch as the civil suits were filed for the specific relief of restoration of electric connection, which is identical to the prayers made in the present writ petition. Moreover, the proceedings under Section 144 of the Criminal Procedure Code were ultimately dropped. Upon failing to obtain an injunction order from the civil court, the petitioners approached the appellate forum, but to no avail.

Upon taking into consideration the facts of the case, although electricity is a basic necessity, it is seen that the petitioners have already approached several fora, including the Civil Court, for similar relief. As such, the present writ petition is not maintainable in such factual background.

Accordingly WPO 426 of 2020 is dismissed as not maintainable. However, this order will not prevent the petitioners from urging their contention before the Civil Court and before any other competent forum in accordance with law.

There will be no order as to costs.

Urgent certified photocopy of this order, if applied for, be made available to the parties subject to compliance of all requisite formalities.

(SABYASACHI BHATTACHARYYA, J.)

GH.